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The President

EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER NO. 8389 OF APRIL 10, 1940, AMENDING EXECUTIVE ORDER NO. 6560, DATED JANUARY 15, 1934.

Executive Order No. 8389 of April 10, 1940,¹ is amended to read as follows:

"AMENDMENT OF EXECUTIVE ORDER NO. 6560, DATED JANUARY 15, 1934, REGULATING TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, AND THE EXPORT OF COIN AND CURRENCY.

"By virtue of the authority vested in me by section 5 (b) of the Act of October 6, 1917 (40 Stat. 411), as amended, and by virtue of all other authority vested in me, I, FRANKLIN D. ROOSEVELT, PRESIDENT OF THE UNITED STATES OF AMERICA, do hereby amend Executive Order No. 6560, dated January 15, 1934, regulating transactions in foreign exchange, transfers of credit, and the export of coin and currency by adding the following sections after section 8 thereof:

"Section 9. Notwithstanding any of the provisions of sections 1 to 8, inclusive, of this Order, all of the following are prohibited, except as specifically authorized in regulations or licenses issued by the Secretary of the Treasury pursuant to this Order, if involving property in which Norway or Denmark or any national thereof has at any time on or since April 8, 1940, had any interest of any nature whatsoever, direct or indirect, or if involving property in which the Netherlands, Belgium or Luxembourg or any national thereof has at any time on or since May 10, 1940, had any interest of any nature whatsoever, direct or indirect:

"A. All transfers of credit between any banking institutions within the United States; and all transfers of credit between any banking institution within the United States and any banking insti-

tution outside the United States (including any principal, agent, home office, branch, or correspondent outside of the United States, of a banking institution within the United States);

"B. All payments by or to any banking institution within the United States;

"C. All transactions in foreign exchange by any person within the United States;

"D. The export or withdrawal from the United States, or the earmarking of gold or silver coin or bullion or currency by any person within the United States;

"E. All transfers, withdrawals or exportations of, or dealings in, any evidences of indebtedness or evidences of ownership of property by any person within the United States; and

"F. Any transaction for the purpose or which has the effect of evading or avoiding the foregoing prohibitions.

"Section 10. Additional Reports.

"A. Reports under oath shall be filed on such forms, at such time or times and from time to time, and by such persons, as provided in regulations prescribed by the Secretary of the Treasury, with respect to all property of any nature whatsoever of which Norway, Denmark, the Netherlands, Belgium or Luxembourg or any national thereof is or was the owner, or in which Norway, Denmark, the Netherlands, Belgium or Luxembourg or any national thereof has or had an interest of any nature whatsoever, direct or indirect, and with respect to any acquisition, transfer, disposition, or any other dealing in such property.

"B. The Secretary of the Treasury may require the furnishing under oath of additional and supplemental information, including the production of any books of account, contracts, letters or other papers with respect to the matters concerning which reports are required to be filed under this section.

"Section 11. Additional Definitions. In addition to the definitions contained in section 7, the following definitions are prescribed:

"A. The terms "Norway" and "Denmark", respectively, mean the State and

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¹ 5 FR. 1400.



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the Government of Norway and Denmark on April 8, 1940, the terms "the Netherlands", "Belgium", and "Luxembourg", mean the State and the Government of the Netherlands, Belgium and Luxembourg on May 10, 1940, and any political subdivisions, agencies and instrumentalities of any of the foregoing, including territories, dependencies and possessions, and all persons acting or purporting to act directly or indirectly for the benefit or on behalf of any of the foregoing. The terms "Norway", "Denmark", "the Netherlands", "Belgium" and "Luxembourg" respectively, shall also include any and all other governments (including political subdivisions, agencies, and instrumentalities thereof and persons acting or purporting to act directly or indirectly for the benefit or on behalf thereof) to the extent and only to the extent that such governments exercise or claim to exercise de jure or de facto sovereignty over the area which, on April 8, 1940, constituted

Norway and Denmark and which on May 10, 1940, constituted the Netherlands, Belgium and Luxembourg.

"B. The term "national" of Norway or Denmark shall include any person who has been or whom there is reasonable cause to believe has been domiciled in, or a subject, citizen or resident of Norway or Denmark at any time on or since April 8, 1940, but shall not include any individual domiciled and residing in the United States on April 8, 1940, and shall also include any partnership, association, or other organization, including any corporation organized under the laws of, or which on April 8, 1940, had its principal place of business in Norway or Denmark or which on or after such date has been controlled by, or a substantial part of the stock, shares, bonds, debentures, or other securities of which has been owned or controlled by, directly or indirectly, one or more persons, who have been, or whom there is reasonable cause to believe have been, domiciled in, or the subjects, citizens or residents of Norway or Denmark at any time on or since April 8, 1940, and all persons acting or purporting to act directly or indirectly for the benefit or on behalf of the foregoing.

"C. The term "national" of the Netherlands, Belgium or Luxembourg shall include any person who has been or whom there is reasonable cause to believe has been domiciled in, or a subject, citizen or resident of the Netherlands, Belgium or Luxembourg at any time on or since May 10, 1940, but shall not include any individual domiciled and residing in the United States on May 10, 1940, and shall also include any partnership, association, or other organization, including any corporation organized under the laws of, or which on May 10, 1940, had its principal place of business in the Netherlands, Belgium or Luxembourg, or which on or after such date has been controlled by, or a substantial part of the stock, shares, bonds, debentures, or other securities of which has been owned or controlled by, directly or indirectly, one or more persons, who have been, or whom there is reasonable cause to believe have been, domiciled in, or the subjects, citizens or residents of the Netherlands, Belgium or Luxembourg, at any time on or since May 10, 1940, and all persons acting or purporting to act directly or indirectly for the benefit or on behalf of the foregoing.

"D. The term "banking institution" as used in section 9 includes any person engaged primarily or incidentally in the business of banking, of granting or transferring credits, or of purchasing or selling foreign exchange or procuring purchasers and sellers thereof, as principal or agent, or any person holding credits for others as a direct or incidental part of his business, or brokers; and, each principal, agent, home office, branch or correspondent of any person so engaged shall be regarded as a separate "banking institution".

"Section 12. *Additional Regulations.* The Regulations of November 12, 1934, are hereby modified insofar as they are inconsistent with the provisions of sections 9 to 11, inclusive, of this Order, and except as so modified are hereby continued in full force and effect. The Secretary of the Treasury is authorized and empowered to prescribe from time to time regulations to carry out the purposes of sections 9 to 11, inclusive, of this Order as amended, and to provide in such regulations or by rulings made pursuant thereto, the conditions under which licenses may be granted by such agencies as the Secretary of the Treasury may designate."

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
May 10th 1940
7.55 E. S. T. a. m.

[No. 8405]

[F. R. Doc. 40-1872; Filed, May 10, 1940; 10:18 a. m.]

Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4031]

IN THE MATTER OF LE FLOR COMPANY

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:*
§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's Le Flor Weight Reduction Tablets, or other similar preparation, which advertisements represent, directly or through implication, that respondent's preparation is a cure or remedy or a competent or effective treatment for obesity or overweight, or that the diet supplied by respondent in connection or conjunction with his said preparation constitutes a competent or effective or scientific treatment for obesity or overweight, or that the combination of said preparation and diet constitutes a cure or remedy or a competent or effective treatment for obesity or overweight, or that his said preparation possesses any therapeutic value beyond that of a cathartic or laxative, or contains no dehydration drugs, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Le Flor Company, Docket 4031, April 29, 1940]

§ 3.6 (r) (7) *Advertising falsely or misleadingly—Prices—Usual as reduced:*
§ 3.72 (g10) *Offering deceptive induce-*

ments to purchase—Limited offers: § 3.72 (n) Offering deceptive inducements to purchase—Special offers. Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's Le Flor Weight Reduction Tablets, or other similar preparation, which advertisements represent, directly or through implication, that the price at which respondent offers for sale and sells his preparation constitutes a discount to the purchaser, or that such price is a special or reduced or introductory price, or that such price is applicable for a limited time only, when in fact such price is the usual and customary price at which respondent sells said preparation in the normal and usual course of business, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Le Flor Company, Docket 4031, April 29, 1940]

IN THE MATTER OF LELAND F. BENHAM, AN
INDIVIDUAL TRADING AS LE FLOR COM-
PANY

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of April, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all of the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Leland F. Benham, an individual trading as Le Flor Company, or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing to be disseminated any advertisement by means of the United States mails, or in commerce, as "commerce" is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of the medicinal preparation now designated Le Flor Weight Reduction Tablets, or any other preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same name or under any other name or names, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission

Act, of said preparation, which advertisements represent, directly or through implication:

(1) That respondent's preparation is a cure or remedy or a competent or effective treatment for obesity or overweight;

(2) That the diet supplied by respondent in connection or conjunction with his said preparation constitutes a competent or effective or scientific treatment for obesity or overweight;

(3) That the combination of respondent's preparation and the diet supplied by respondent constitutes a cure or remedy or a competent or effective treatment for obesity or overweight;

(4) That respondent's preparation possesses any therapeutic value beyond that of a cathartic or laxative;

(5) That respondent's preparation contains no dehydration drugs;

(6) That the price at which respondent offers for sale and sells his preparation constitutes a discount to the purchaser, or that such price is a special or reduced or introductory price, or that such price is applicable for a limited time only, when in fact such price is the usual and customary price at which respondent sells said preparation in the normal and usual course of business.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-1889; Filed, May 10, 1940;
11:41 a.m.]

[Docket No. 4042]

IN THE MATTER OF CONRAD SCHICKERLING
RESEARCH LABORATORY

§ 3.6 (a10) Advertising falsely or misleadingly—Comparative data or merits:

§ 3.6 (b) (2) Advertising falsely or misleadingly—Competitors and their products—Competitors' products: § 3.6 (c)

Advertising falsely or misleadingly—Composition of goods: § 3.6 (m10) Ad-

vertising falsely or misleadingly—Manu-
facture or preparation: § 3.6 (p) (1)

Advertising falsely or misleadingly—
Patent or other rights—In general: § 3.6

(t) Advertising falsely or misleadingly—
Qualities or properties of product: § 3.6

(x) Advertising falsely or misleadingly—
Result: § 3.6 (f10) Advertising falsely

or misleadingly—Unique nature or ad-
vantages: § 3.48 (b) (2.5) Disparaging

competitors and their products—Goods—
Manufacture or preparation. Represent-

ing, in connection with offer, etc., in com-
merce, of incandescent lamps, as sold by

respondent under various designations as
below set forth, that the amperage of re-

spondent's Mushroom Bulb Photo Flood

Lamp, sometimes described as Schickerling Full Sun Spectrum Photo Flood Krypton Lamp, is eight amperes or any number of amperes in excess of that actually present, or that the lumen output is 38,000 lumens or any other number of lumens in excess of the lumens actually produced; or that said lamp contains a coil filament, or contains a cooling coil between the wire and filament; that said lamp is more effective in blackening a negative than other lamps used for the same purpose, or has a ten-hour peak performance, or is covered by United States patent rights; that it contains rare gases not ordinarily contained in lamps of the same type, or that it contains krypton gas; that it contains or has or brings about color balance, when such is not the fact; that such a device or arrangement as a coil filament, or cooling coil between wire and filament, is peculiar to respondent's said lamp or is not to be found in the ordinary lamps used for the same purpose; or that the average life of its said lamp is 20 hours on a 115-volt circuit; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Conrad Schickerling Research Laboratory, Docket 4042, April 30, 1940]

§ 3.6 (b) (2) Advertising falsely or misleadingly—Competitors and their products—Competitors' products: § 3.6

(c) Advertising falsely or misleadingly—
Composition of goods: § 3.6 (m10) Ad-

vertising falsely or misleadingly—Manu-
facture or preparation: § 3.6 (f10)

Advertising falsely or misleadingly—
Unique nature or advantages: § 3.48 (b)

(2.5) Disparaging competitors and their
products—Goods—Manufacture or prep-

aration. Representing, in connection
with offer, etc., in commerce, of incan-

descent lamps, as sold by respondent
under various designations as below set

forth, that respondent's Schickerling
Photo Enlarging Lamp contains a coil

filament, or that it contains a cooling coil
between the wire and filament; or that

such a device or arrangement is peculiar
to respondent's said lamp, or is not to be

found in the ordinary lamp; or that said
lamp contains krypton gas; prohibited.

(Sec. 5, 38 Stat. 719, as amended by
sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV,

sec. 45b) [Cease and desist order, Con-
rad Schickerling Research Laboratory,

Docket 4042, April 30, 1940]

§ 3.6 (a) (19.5) Advertising falsely or
misleadingly—Business status, advan-

tages or connections of advertiser—Pat-
ent or other rights: § 3.6 (n) (2) Adver-

tising falsely or misleadingly—Nature—
Product: § 3.6 (p) (1) Advertising

falsely or misleadingly—Patent or other
rights—In general: § 3.6 (t) Advertis-

ing falsely or misleadingly—Qualities or
properties of product. Representing, in

connection with offer, etc., in commerce,
of incandescent lamps as sold by re-

spondent under various designations, as
below set forth, that respondent's "1000

Flash" Photo-Flash-Flood Lamp has Du-

fay color correction, or that respondent may rightfully use Dufay color correction with or in said lamp, or in any lamp, or that said lamp is a flash bulb, or flashes instantaneously, or for a split second produces a flash or a light more intense than at any other time, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Conrad Schickerling Research Laboratory, Docket 4042, April 30, 1940]

§ 3.6 (a) (19.5) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Patent or other rights:* § 3.6 (p) (1) *Advertising falsely or misleadingly—Patent or other rights—In general:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of incandescent lamps as sold by respondent under various designations, as below set forth, that respondent's "200 Flash" Photo Lamp is a flash lamp which works automatically, or that it is made under United States patent rights of the respondent, or in any way misrepresenting the number of times it will flash, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Conrad Schickerling Research Laboratory, Docket 4042, April 30, 1940]

§ 3.6 (a) (22) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Laboratory:* § 3.96 (b) (5) *Using misleading name—Vendor—Producer or laboratory status of dealer or seller.* Using, in connection with offer, etc., in commerce, of incandescent lamps as sold by respondent under various designations, as below set forth, the words "research laboratory" or the word "laboratory" or any other similar word, words, or phrases in respondent's trade name or in connection with his business, when respondent does not own and operate or directly and absolutely control an appropriately equipped laboratory where research work in connection with said business is conducted by trained technicians, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Conrad Schickerling Research Laboratory, Docket 4042, April 30, 1940]

**IN THE MATTER OF CONRAD SCHICKERLING,
AN INDIVIDUAL TRADING AS CONRAD
SCHICKERLING RESEARCH LABORATORY**

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 30th day of April, A. D. 1940.

This proceeding having been heard and considered by the Federal Trade Commission upon the complaint, and the answer of respondent, in which answer

respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Conrad Schickerling, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of the incandescent lamps now known as Schickerling Mushroom Bulb Photo Flood Lamps, sometimes known as Schickerling Full Sun Spectrum Photo Flood Krypton Lamps, and of the incandescent lamps now known as Schickerling Photo Enlarging Lamps, and of the incandescent lamps now known as "1000 Flash" Photo-Flash-Flood-Lamps, and of the incandescent lamps now known as "200 Flash" Photo Lamps, whether sold under these names or under any other names in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that the amperage of respondent's said Mushroom Bulb Photo Flood Lamp, sometimes described as Schickerling Full Sun Spectrum Photo Flood Krypton Lamp, is eight amperes or any number of amperes in excess of that actually present, or that the lumen output is 38,000 lumens or any other number of lumens in excess of the lumens actually produced; or that said lamp contains a coil filament, or contains a cooling coil between the wire and filament; that said lamp is more effective in blackening a negative than other lamps used for the same purpose, or has a ten-hour peak performance or is covered by United States patent rights; that it contains rare gases not ordinarily contained in lamps of the same type, or that it contains krypton gas; that it contains or has or brings about color balance, when such is not the fact; that such a device or arrangement as a coil filament, or cooling coil between wire and filament, is peculiar to respondent's said lamp or is not to be found in the ordinary lamps used for the same purpose; or that the average life of its said lamp is 20 hours on a 115-volt circuit;

(2) Representing that respondent's said Schickerling Photo Enlarging Lamp contains a coil filament, or that it contains a cooling coil between the wire and filament; or that such a device or arrangement is peculiar to respondent's said lamp, or is not to be found in the ordinary lamp, or that said lamp contains krypton gas;

(3) Representing that respondent's said "1000 Flash" Photo-Flash-Flood Lamp has Dufay color correction, or that respondent may rightfully use Dufay color correction with or in said lamp, or in any lamp, or that said lamp is a

flash bulb, or flashes instantaneously, or for a split second produces a flash or a light more intense than at any other time;

(4) Representing that respondent's said "200 Flash" Photo Lamp is a flash lamp which works automatically, or that it is made under United States patent rights of the respondent, or in any way misrepresenting the number of times it will flash;

(5) Using the words "research laboratory" or the word "laboratory" or any other similar word, words or phrases in his trade name or in connection with his business, when respondent does not own and operate or directly and absolutely control an appropriately equipped laboratory where research work in connection with said business is conducted by trained technicians.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-1888; Filed, May 10, 1940; 11:41 a. m.]

**TITLE 31—MONEY AND FINANCE:
TREASURY**

CHAPTER I—MONETARY OFFICES

AMENDMENT TO REGULATIONS

MAY 10, 1940.

The Regulations of April 10, 1940,¹ are amended to read as follows:

"PART 130—REGULATIONS RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, PAYMENTS, AND THE EXPORT OR WITHDRAWAL OF COIN, BULLION AND CURRENCY, AND TRANSFERS, WITHDRAWALS AND EXPORTATIONS, OF OR DEALINGS IN, EVIDENCES OF INDEBTEDNESS OR OWNERSHIP; AND TO REPORTS OF FOREIGN PROPERTY INTERESTS IN THE UNITED STATES

"§ 130.1 *Authority for regulations.* These regulations are prescribed and issued under authority of section 5 (b) of the Act of October 6, 1917 (40 Stat. 411), as amended, and Executive Order No. 6560, dated January 15, 1934, as amended."

"§ 130.2 *Definitions.*

"(a) The term 'Order' shall refer to Executive Order No. 6560, of January 15, 1934, as amended.

"(b) The term 'regulations' shall refer to these regulations.

¹ 5 F.R. 1401.

*§§ 130.1 to 130.6: Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; Public Resolution No. 69, 76th Congress; 12 U.S.C. 95a; Ex. Order 6560, Jan. 15, 1934; Ex. Order 8389, April 10, 1940; Ex. Order 8405, May 10, 1940.

"(c) The terms 'property' and 'property interest' or 'property interests' shall include, but not by way of limitation, money, checks, drafts, bullion, bank deposits, savings accounts, any debts, indebtedness or obligations, financial securities commonly dealt in by bankers, brokers, and investment houses, notes, debentures, stocks, bonds, coupons, banker's acceptances, mortgages, pledges, liens or other right in the nature of security, warehouse receipts, bills of lading, trust receipts, bills of sale, any other evidences of title, ownership or indebtedness, goods, wares, merchandise, chattels, stocks on hand, ships, goods on ships, real estate mortgages, vendors' sales agreements, land contracts, real estate and any interest therein, leaseholds, ground rents, options, negotiable instruments, trade acceptances, royalties, book accounts, accounts payable, judgments, patents, trade-marks, copyrights, insurance policies, safe deposit boxes and their contents, annuities, et cetera.

"(d) Safe deposit boxes shall be deemed to be in the 'custody' not only of all persons having access thereto but also of the lessors of such boxes whether or not such lessors have access to such boxes. The foregoing shall not in any way be regarded as a limitation upon the meaning of the term 'custody.'

"(e) For the meaning of other terms reference should be made to the definitions contained in the Order."

"§ 130.3 *Licenses to engage in foreign exchange transactions, etc.* Applications for licenses to engage in foreign exchange transactions, transfers of credit, payments, the export or withdrawal from the United States or the earmarking of gold or silver coin or bullion or currency, or the transfer, withdrawal or exportation of, or dealing in, any evidences of indebtedness or evidences of ownership of property, involving property in which Norway or Denmark or any national thereof has at any time on or since April 8, 1940, had any interest of any nature whatsoever, direct or indirect, or in which the Netherlands, Belgium or Luxembourg or any national thereof has at any time on or since May 10, 1940, had any interest of any nature whatsoever, direct or indirect, shall be filed in duplicate with the Federal Reserve bank of the district or the Governor or High Commissioner of the territory or possession of the United States in which the applicant resides or has his principal place of business or principal office or agency, or with the Federal Reserve Bank of New York if the applicant has no legal residence or principal place of business or principal office or agency in a Federal Reserve district or a territory or possession of the United States. Application forms may be obtained from any Federal Reserve bank, mint or assay office, or the Secretary of the Treasury, Washington, D. C. Applications shall be executed under oath before an officer authorized to administer

oaths, or if executed outside of the United States, before a diplomatic or consular officer of the United States. The applicant shall furnish such further information as shall be requested of him by the Secretary of the Treasury or the Federal Reserve bank or other agency at which the application is filed. Licenses will be issued by the Secretary of the Treasury, acting directly or through any agencies that he may designate, and by the Federal Reserve banks acting in accordance with such rules, regulations, and instructions as the Secretary of the Treasury may from time to time prescribe, in such cases or classes of cases as the Secretary of the Treasury may determine in rules, regulations, and instructions prescribed by him. The Federal Reserve bank or other agency at which an application is filed will advise the applicant of the granting or denial of the license. Licenses for the export or withdrawal of currency or gold or silver coin or bullion or evidences of indebtedness or evidences of ownership of property, after having been cancelled by the collector of customs or the postmaster through whom the exportation or withdrawal was made, may be returned by such collector of customs or postmaster to the licensee. Appropriate forms for applications and licenses will be prescribed by the Secretary of the Treasury. Licensees may be required to file reports upon the consummation of the transactions. The decision of the Secretary of the Treasury with respect to the approval or disapproval of an application shall be final."

"§ 130.4 *Reports of Property Interests of Norway, Denmark, the Netherlands, Belgium, Luxembourg, and Nationals Thereof.* (a) On or before May 15, 1940, reports shall be filed on Form TFR-100, duly executed under oath, containing the information called for in such Form, with respect to all property situated in the United States on April 8, 1940, in which Norway or Denmark or any national thereof has at any time on or since April 8, 1940, had any interest of any nature whatsoever, direct or indirect. Within thirty days of the publication of these regulations in the FEDERAL REGISTER, reports shall be filed on Form TFR-100, duly executed under oath, containing the information called for in such Form, with respect to all property situated in the United States on May 10, 1940, in which the Netherlands, Belgium or Luxembourg or any national thereof has at any time on or since May 10, 1940, had any interest of any nature whatsoever, direct or indirect. Such reports shall be filed by:

"(1) Every person in the United States directly or indirectly holding, or having title to, or custody, control, or possession of such property including, without any limitation whatsoever of the foregoing, every partnership, association, or corporation organized under the laws of the United States or any state or territory of the United States, or having its prin-

cipal place of business in the United States, in the shares of whose stock or in whose debentures, notes, bonds, coupons, or other obligations or securities Norway or Denmark or any national thereof has at any time on or since April 8, 1940, had any interest of any nature whatsoever, direct or indirect, or in which the Netherlands, Belgium, or Luxembourg or any national thereof has at any time on or since May 10, 1940, had any interest of any nature whatsoever, direct or indirect; and

"(2) Every agent or representative in the United States for Norway, Denmark, the Netherlands, Belgium or Luxembourg or any national thereof having any information with respect to any such property.

"Provided, That no report on Form TFR-100 need be filed where the total value of all property interests to be reported is less than \$250.

"(b) Reports shall be executed and filed in triplicate with the Federal Reserve bank of the district or the Governor or High Commissioner of the territory or possession of the United States in which the party filing the report resides or has his principal place of business or principal office or agency, or if such party has no legal residence or principal place of business or principal office or agency in a Federal Reserve district or a territory or possession of the United States, then with the Federal Reserve Bank of New York. A report shall be deemed to have been filed when it is received by the proper Federal Reserve bank or other agency or when it is properly addressed and mailed and bears a postmark dated prior to midnight of the date upon which the report is due. The Federal Reserve bank and other agencies shall promptly forward two copies of every report filed with it to the Secretary of the Treasury.

"(c) (1) All spaces in the report must be properly filled in. Reports found not to be in proper form, or lacking in essential details, shall not be deemed to have been filed in compliance with the Order.

"(2) Where space in the report form does not permit full answers to questions, the information required may be set forth in supplementary papers incorporated by reference in the report and submitted therewith. Supplementary documents and papers must be referred to in the principal statement in chronological or other appropriate order and be described in such manner that they can be identified.

"(d) A separate report under oath must be filed by each person required to file a report except that persons holding property jointly may file a joint report.

"(e) The Secretary of the Treasury may, in his discretion, grant such extensions of time as he deems advisable for the making of any or all of the reports required by these regulations.

"(f) Report Form TFR-100 may be obtained from any Federal Reserve bank, mint or assay office and the Secretary of the Treasury, Washington, D. C."

"§ 130.5 Penalties. Section 5 (b) of the Act of October 6, 1917, as amended by Section 2 of the Act of March 9, 1933, provides in part:

" * * * Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both. As used in this subdivision the term 'person' means an individual, partnership, association, or corporation."

"§ 130.6 Modification or Revocation. These regulations and any Forms or instructions issued hereunder may be modified or revoked at any time." *

HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

Approved: May 10th, 1940—7:55 a. m.
E. S. T.

FRANKLIN D ROOSEVELT

[F. R. Doc. 40-1873; Filed, May 10, 1940;
10:18 a. m.]

Notices

WAR DEPARTMENT.

EXTENSION OF FISH POUND AREA IN ATLANTIC OCEAN NEAR SEASIDE PARK, N. J.¹

1. On February 2, 1927, the Secretary of War established areas within which fishing structures may be placed and maintained in the Atlantic Ocean along the coast of New Jersey, under permits issued by the District Engineer in accordance with regulations approved by the Acting Secretary of War, January 31, 1920. (33 CFR 206.35)

2. The Berkeley Fish Company now requests a seaward extension in the offshore limit of the established fish pound area north of Barnegat Inlet at their pound off Island Beach Coast Guard Station. This extension, it is claimed, would enable them to increase their catch by installing an additional pound in deeper water.

3. A public hearing for the consideration of this request was held by the District Engineer on March 4, 1940, at Seaside Heights, New Jersey. Protests based on economic and conservation viewpoints were received from rival commercial and sport fishing interests and objections were received from navigation interests to the effect that the proposed extension would increase the hazard to navigation.

¹ This extension modifies the fish pound areas regulated by § 206.35, Title 33, Code of Federal Regulations.

4. The proposed extension extends a maximum of 2,500 feet seaward of the present limit as shown in red on accompanying photostat of a portion of U. S. C. G. S. Chart No. 1216.² The District Engineer reports that the usual coastwise shipping lane is about 1½ miles outside the seaward limit of the fish pound area at the locality, in order that the vessels can safely clear the shoal areas below Barnegat Inlet. This proposed extension will eliminate an angle in the present limit at the applicant's pounds and will extend from the shore a distance equal to that of the area south to Barnegat Inlet and a less distance than those pound areas south of Barnegat Inlet.

5. In my opinion the proposed extension will not encroach upon the lanes of traffic now followed by navigation and accordingly I recommend that the offshore limit of the fish pound area in the Atlantic Ocean, between Barnegat Inlet and Chadwick Coast Guard Station be extended as requested and as shown in red on accompanying photostat. (Sec. 10, River and Harbor Act, Mar. 3, 1899, 30 Stat. 1151; 33 U.S.C. 403) [2d Ind., Office, Chief of Engineers to the Secretary of War, April 17, 1940 (7221 (Atlantic Ocean)-43)]

JOHN J. KINGMAN,
Brig. Gen., Corps of Engineers,
Acting Chief of Engineers.

Approved, April 20, 1940.

[SEAL] HARRY H. WOODRING,
Secretary of War.

[F. R. Doc. 40-1874; Filed, May 10, 1940;
10:39 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 343-FD]

PORTSMOUTH CLAY PRODUCTS COMPANY ORDER REQUIRING RENEWAL OF APPLICATION FOR EXEMPTION

The Portsmouth Clay Products Company, having on April 29, 1938, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced at its mine located in Scioto County, and transported by the Applicant to itself for consumption by it in the manufacture of fire brick in its plant located at South Webster in Scioto County, Ohio; and

The Commission having, on May 10, 1939, entered an order pursuant to a hearing held on said application at Zanesville, Ohio, on May 24, 1938, in Docket No. 343-FD, granting said application upon condition that the Commission may thereafter require the Applicant to apply annually for renewal of said order; and

The Director having determined that it is necessary to require Applicant to ap-

ply for a renewal of said order dated May 10, 1939:

It is ordered, That said order of May 10, 1939, and the exemption granted thereby, shall automatically terminate and expire, unless at the end of thirty days from the date of this order the Portsmouth Clay Products Company shall have filed with the Director a verified application requesting renewal of said order and the exemption granted thereby and containing the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

a. The full name and business address of the Applicant, and the name and location of the mine or mines covered by said order of May 10, 1939;

b. The total tonnage of bituminous coal produced by Applicant from such mine or mines for a period of one year preceding the date of the filing of such application for renewal;

c. the total tonnage of such production which was consumed by Applicant, and the nature and purpose of such consumption;

d. Whether any change has occurred since April 29, 1938, in the ownership of the mine or mines from which the coal in question was produced, or in the ownership of the plant, factory, or other facility consuming such coal, and, if such change has occurred, the nature thereof;

e. Whether there has been a change in the agency or instrumentality through which the coal was being produced at the time the application for exemption was filed, and, if such change has occurred, the nature thereof;

f. A statement that all the facts contained in the application for exemption filed on April 29, 1938, remain true and correct.

Dated, May 8, 1940.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 40-1882; Filed, May 10, 1940;
10:46 a. m.]

[Docket No. 489-FD]

STARK BRICK COMPANY

ORDER GRANTING EXEMPTION

The Stark Brick Company of Canton, Ohio, hereinafter referred to as the Applicant, having, on June 1, 1938, filed with the National Bituminous Coal Commission the above-entitled application seeking exemption pursuant to the provisions of section 4, Part II (1) of the Bituminous Coal Act of 1937 with respect to certain bituminous coal produced by it at mines located at East Canton, Ohio, and consumed by it in the manufacture of clay products in its plant at East Canton, Ohio; and

The Stark Brick Company having filed, as part of the record herein, a

² Filed as a part of the original document.

verified statement of facts in support of said application; and

The Director having determined on the basis of such facts that the Applicant is the producer of bituminous coal mined by it from certain mines at East Canton, Ohio, and that all of the bituminous coal produced by the Applicant from such mines is consumed by it in its business of manufacturing clay products in its plant at East Canton, Ohio:

It is ordered, That the above-entitled application for exemption be and the same hereby is granted and that the provisions of section 4, Part II (1) of the Bituminous Coal Act of 1937 apply to the bituminous coal mined by the Applicant from clay land, located at East Canton, Ohio, which is leased by it from the Stark Ceramics, Inc. and to the bituminous coal mined by the Applicant, pursuant to an oral agreement with the Garoux Brothers, from clay land at East Canton, Ohio, leased by the Garoux Brothers, which lands are more fully described in the aforesaid statement of facts, and which bituminous coal is consumed by the Applicant in the manufacture of clay products in its plant at East Canton, Ohio;

Provided, however, That this Order and the exemption hereby granted shall automatically terminate and expire:

1. Unless the Applicant on or before Jan. 1, 1941, files a verified application for renewal of this Order; and

2. Unless Applicant on or before Oct. 1, 1940, files with the Director a verified report containing the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption hereby granted continue to exist:

(a) The full name and address of Applicant and the full name and location of the mines covered by the above-entitled application;

(b) The total tonnage of bituminous coal produced by Applicant during the preceding six months of such mine;

(c) The total tonnage of such production which was consumed by the Applicant and the nature and purpose of such consumption.

3. Unless the Applicant shall immediately notify the Director upon any change in the facts set forth in the verified statement of facts filed herein by the Applicant.

It is further ordered, That the exemption granted by this order shall become effective twenty (20) days from the date hereof unless any interested person files a petition with the Director requesting a hearing on the above-entitled application for exemption within fifteen (15) days from the date hereof.

It is further ordered, That the Director at any time, upon his own motion or upon the petition of any interested person,

may direct the Applicant to show cause why the exemption granted by this Order should not be terminated. Any person filing such petition shall serve a copy thereof upon the Applicant herein.

Dated, May 8, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-1884; Filed, May 10, 1940;
10:47 a. m.]

[Docket No. 505 FD]

HOWARD PRINCE

ORDER CONSENTING TO WITHDRAWAL OF
APPLICATION

Upon the request of the Applicant, the Director consents to the withdrawal of the above entitled application for exemption, upon the condition that the withdrawal of said application shall constitute a waiver of any exemption which might otherwise become effective during the pendency of a subsequent application, except upon a showing of a material change of facts, and to that effect:

It is so ordered.

Dated, May 8, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-1881; Filed, May 10, 1940;
10:45 a. m.]

[Docket No. 523 FD]

HOWARD PRINCE

ORDER CONSENTING TO WITHDRAWAL OF
APPLICATION

Upon the request of the Applicant, the Director consents to the withdrawal of the above entitled application for exemption, upon the condition that the withdrawal of said application shall constitute a waiver of any exemption which might otherwise become effective during the pendency of a subsequent application, except upon a showing of a material change of facts, and to that effect:

It is so ordered.

Dated, May 8, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-1880; Filed, May 10, 1940;
10:45 a. m.]

[Docket No. 604-FD]

HOWARD PRINCE

ORDER CONSENTING TO WITHDRAWAL OF
APPLICATION

Upon the request of the Applicant, the Director consents to the withdrawal of the above entitled application for exemption, upon the condition that the

withdrawal of said application shall constitute a waiver of any exemption which might otherwise become effective during the pendency of a subsequent application, except upon a showing of a material change of facts, and to that effect:
It is so ordered.

Dated, May 8, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-1879; Filed, May 10, 1940;
10:45 a. m.]

[Docket No. 820-FD]

OHIO FIRE BRICK COMPANY AND THE DAVIS
FIRE BRICK COMPANY

ORDER GRANTING EXEMPTION

The Ohio Fire Brick Company and the Davis Fire Brick Company, both of Oak Hill, Ohio, hereinafter referred to as the Applicants, having, on June 22, 1939, filed with the National Bituminous Coal Commission the above-entitled application seeking exemption pursuant to the provisions of section 4, Part II (1) of the Bituminous Coal Act of 1937 with respect to certain bituminous coal produced by them at a mine located at Oak Hill, Ohio, and consumed by them in the manufacture of clay products in their respective plants at Oak Hill, Ohio; and

The Applicants having filed, as part of the record herein, a verified statement of facts in support of said application; and

The Director having determined on the basis of such facts that the Applicants are the producers of bituminous coal mined by them at a certain mine jointly owned by them at Oak Hill, Ohio, and that all of the bituminous coal produced by the Applicants from such mine is consumed by them in their business of manufacturing clay products in their respective plants at Oak Hill, Ohio:

It is ordered, That the above-entitled application for exemption be and the same hereby is granted and that the provisions of section 4, Part II (1) of the Bituminous Coal Act of 1937 apply to the bituminous coal produced by the Applicants at their jointly owned mine situated on two tracts of coal land which are owned respectively by them, said lands being located at Oak Hill, Ohio, and being more fully described in the aforesaid statement of facts, and which bituminous coal is consumed by the Applicants in the manufacture of clay products in their respective plants at Oak Hill, Ohio;

Provided, however, That this Order and the exemption hereby granted shall automatically terminate and expire:

1. Unless the Applicants on or before Jan. 1, 1941, file a verified application for renewal of this Order; and

2. Unless the Applicants on or before Oct. 1, 1940, file with the Director a veri-

fied report containing the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption hereby granted continue to exist:

(a) The full names and addresses of Applicants and the full name and location of the mine covered by the above-entitled application;

(b) The total tonnage of bituminous coal produced by Applicants during the preceding six months at such mines;

(c) The total tonnage of such production which was consumed by the Applicants and the nature and purpose of such consumption.

3. Unless the Applicants shall immediately notify the Director upon any change in the facts set forth in the verified statement of facts filed herein by the Applicants.

It is further ordered, That the exemption granted by this Order shall become effective twenty (20) days from the date hereof unless any interested person files a petition with the Director requesting a hearing on the above-entitled application for exemption within fifteen (15) days from the date hereof.

It is further ordered, That the Director at any time, upon his own motion or upon the petition of any interested person, may direct the Applicants to show cause why the exemption granted by this Order should not be terminated. Any person filing such petition shall serve copies thereof upon the Applicants herein.

Dated, May 8, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-1883; Filed, May 10, 1940;
10:46 a. m.]

[Docket No. 1116-FD]

JOHN FOLLANSBEE, GEO. T. LADD AND ISAAC
M. SCOTT, TRUSTEES FOR FOLLANSBEE
BROTHERS COMPANY

ORDER CONSENTING TO WITHDRAWAL OF
APPLICATION

Upon the request of the Applicant, the Director consents to the withdrawal of the above entitled application for exemption, upon the condition that the withdrawal of said application shall constitute a waiver of any exemption which might otherwise become effective during the pendency of a subsequent application, except upon a showing of a material change of facts, and to that effect:

It is so ordered.

Dated, May 8, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-1878; Filed, May 10, 1940;
10:44 a. m.]

[Docket No. 1164-FD]

HOWARD PRINCE, JOHN KERZAN, JR., AND
OLLIE RICHARDSON, DOING BUSINESS AS
THE EDWARDSPORT EXCAVATING COMPANY

ORDER CONSENTING TO WITHDRAWAL OF
APPLICATION

Upon the request of the Applicant, the Director consents to the withdrawal of the above entitled application for exemption, upon the condition that the withdrawal of said application shall constitute a waiver of any exemption which might otherwise become effective during the pendency of a subsequent application, except upon a showing of a material change of facts, and to that effect:

It is so ordered.

Dated, May 8, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-1877; Filed, May 10, 1940;
10:44 a. m.]

[Docket No. 1189 FD]

HOWARD PRINCE, JOHN KERZAN, JR., AND
OLLIE RICHARDSON, DOING BUSINESS AS
THE EDWARDSPORT EXCAVATING COMPANY

ORDER CONSENTING TO WITHDRAWAL OF
APPLICATION

Upon the request of the Applicant, the Director consents to the withdrawal of the above entitled application for exemption, upon the condition that the withdrawal of said application shall constitute a waiver of any exemption which might otherwise become effective during the pendency of a subsequent application, except upon a showing of a material change of facts, and to that effect:

It is so ordered.

Dated, May 8, 1940.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 40-1876; Filed, May 10, 1940;
10:44 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 456]

AMENDMENT OF PRIOR ALLOCATIONS OF
FUNDS FOR LOANS

MAY 6, 1940.

I hereby amend:

(a) Administrative Order No. 91, dated May 3, 1937, by changing the project designation "Michigan 38 Cass" appearing therein to read: "Michigan 7045A1 Cass";

(b) Administrative Order No. 182, dated January 19, 1938, by changing:

(1) the project designation "Michigan 8038B Cass" appearing therein to read: "Michigan 8045A2 Cass";

(2) the project designation "Michigan 8039 Van Buren" appearing therein to read: "Michigan 8045B1 Cass";

(3) the project designation "Michigan 8038W Cass" appearing therein to read: "Michigan 8045W1 Cass";

(4) the project designation "Michigan 8039W Van Buren" appearing therein to read: "Michigan 8045W2 Cass"; and

(5) the project designation "Michigan 8038G Cass" appearing therein to read: "Michigan 8045G1 Cass";

(c) Administrative Order No. 233, dated April 4, 1938, by changing the project designation "Michigan 8038G Cass" appearing therein to read: "Michigan 8045G1 Cass";

(d) Administrative Order No. 235, dated April 4, 1938, by changing the project designation "Michigan 8038A3 Cass" appearing therein to read: "Michigan 8045A3 Cass";

(e) Administrative Order No. 275, dated July 25, 1938, by changing the project designation "Michigan 9039W2 Van Buren" appearing therein to read: "Michigan 9045W3 Cass";

(f) Administrative Order No. 279, dated August 18, 1938,

(1) by reducing the allocation of \$688,000 therein made for "Michigan R9038B1 Cass" by \$145,000 so that the reduced allocation shall be \$543,000;

(2) by changing the project designation "Michigan R9038B1 Cass" appearing therein to read: "Michigan R9045C1 Cass"; and

(3) by changing the project designation "Michigan R9039B1 Van Buren" appearing therein to read: "Michigan R9045D1 Cass";

(g) Administrative Order No. 291, dated September 16, 1938, by changing the project designation "Michigan R9039W3 Van Buren" appearing therein to read: "Michigan R9045W4 Cass";

(h) Administrative Order No. 310, dated December 3, 1938, by changing the project designation "Michigan R9038W2 Cass" appearing therein to read: "Michigan R9045W5 Cass";

(i) Administrative Order No. 313, dated December 12, 1938, by changing the project designation "Michigan R9039W4 Van Buren" appearing therein to read: "Michigan R9045W6 Cass";

(j) Administrative Order No. 329, dated March 22, 1939, by changing the project designation "Michigan R9038W3 Cass" appearing therein to read: "Michigan R9045W7 Cass";

(k) Administrative Order No. 386, dated August 23, 1939, by changing the project designation "Michigan 0039W5 Van Buren" appearing therein to read: "Michigan 0045W8 Cass"; and

(l) Administrative Order No. 450, dated April 22, 1940, by changing the project designation "Michigan 0-R-

9038W4 Cass" appearing therein to read: "Michigan 0-R9045W9 Cass."

[SEAL]

HARRY SLATTERY,
Administrator.

[F. R. Doc. 40-1890; Filed, May 10, 1940;
11:46 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO PART 541 OF REGULATIONS WITH RESPECT TO THE DEFINITION OF THE TERMS "EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL . . . OUTSIDE SALESMAN" AS THEY AFFECT EMPLOYEES IN THE MANUFACTURING AND EXTRACTIVE INDUSTRIES

Whereas, section 13 (a) (1) of the Fair Labor Standards Act provides that the provisions of section 6 and section 7 of the Act shall not apply to any employee "employed in a bona fide executive, administrative, professional . . . capacity, or in the capacity of outside salesman (as such terms are defined and delimited by regulations of the Administrator);" and

Whereas, the Administrator of the Wage and Hour Division, on October 20, 1938, issued Title 29, Chapter V, Part 541, entitled Regulations Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, Professional, or Local Retailing Capacity, or in the Capacity of Outside Salesman" Pursuant to section 13 (a) (1) of the Fair Labor Standards Act of 1938 (52 Stat. 1060); and

Whereas, applications have been filed pursuant to § 541.5 of the said regulations for amendment of §§ 541.1, 541.2, and 541.4 of the said regulations defining and delimiting the terms "executive, administrative, professional, . . . (and) . . . outside salesman," by the Southern States Industrial Council and sundry other parties, with respect to the Manufacturing and Extractive Industries;

Now, therefore, notice is hereby given of a public hearing to be held pursuant to § 541.5 of the said regulations on June 3, 1940, at 10:00 A. M. at the Willard Hotel, 14th and Pennsylvania Avenue NW., Washington, D. C., before Harold Stein, the presiding officer hereby designated, at which interested parties will be heard on the following question:

What, if any, amendments should be made to §§ 541.1, 541.2 and 541.4 of regulations issued under section 13 (a) (1) of the Fair Labor Standards Act of 1938 defining and delimiting the terms "executive, administrative, professional, . . . (and) . . . outside salesman," with respect to the Manufacturing and Extractive Industries.

Any person interested in proposing or opposing any amendment to the regula-

tions and wishing to be heard shall file not later than May 28, 1940, a notice of intention to appear, which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons he is representing.
3. The branch of the manufacturing and extractive industries in which he is interested.
4. Whether such person proposes to appear in support of or in opposition to any amendment of the regulations.
5. If he proposes to appear in support of an amendment, the terms of the suggested amendment.
6. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C. All notices including terms of proposed amendments will be placed on file upon receipt in Room 313, 939 D Street NW., Washington, D. C., where they may be examined by any interested person.

Written statements may be filed in lieu of personal appearances, if filed not later than May 28, 1940.

As used in this Notice of Hearing "Manufacturing and Extractive Industries" shall include: cleaning, grading, packing, canning, handling and processing of agricultural or horticultural commodities; mining; quarrying; petroleum production; logging and lumbering; and all other manufacturing and extractive industries except publication of books, magazines and newspapers, public utilities and production of moving pictures.

Signed at Washington, D. C., this 10th day of May 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-1875; Filed, May 10, 1940;
10:41 a. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 370]

IN THE MATTER OF THE APPLICATION OF PAN AMERICAN AIRWAYS COMPANY (OF DELAWARE) FOR AN ORDER FIXING AND DETERMINING THE FAIR AND REASONABLE RATE OF COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH, ON ADDITIONAL FREQUENCIES BETWEEN THE UNITED STATES AND EUROPE IN TRANSATLANTIC SERVICE, PURSUANT TO SECTIONS 406 (A) AND (B) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

By agreement between counsel for the applicant and counsel for the Authority,

the above-entitled proceeding instituted by the Authority for the limited purpose of fixing and determining fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor and the services connected therewith, on a total of three round trips per week between the United States and Europe in transatlantic service, now assigned for hearing on May 14, 1940,¹ is hereby postponed to May 16, 1940, 10 o'clock a. m. (Eastern Standard Time), at the Carlton Hotel, 923 16th Street NW., Washington, D. C., before Examiner Francis W. Brown.

Dated Washington, D. C., May 9, 1940.

[SEAL]

FRANCIS W. BROWN,
Examiner.

[F. R. Doc. 40-1891; Filed, May 10, 1940;
11:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

NOTICE OF HEARING WITH RESPECT TO THE HOLDING COMPANY SYSTEM OF ELECTRIC BOND AND SHARE COMPANY

Notice is hereby given that the Securities and Exchange Commission adopted an order on the 9th day of May, 1940 directing that a hearing pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 be held with respect of Electric Bond and Share Company, American Power & Light Company, Pacific Power & Light Company, Electric Power & Light Corporation, Utah Power & Light Company, National Power & Light Company, American & Foreign Power Company Inc. and Ebasco Services Incorporated, hereinafter called the respondents, at the offices of the said Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., at 10 A. M. on the tenth day of June, 1940 (or such later date as the Commission may prior thereto fix by supplementary notice).

Said order recites that it appears to the Commission that (a) the structure of the holding company system of said Electric Bond and Share Company is unduly and unnecessarily complicated; (b) voting power is unfairly and inequitably distributed among security holders of the holding company system of said Electric Bond and Share Company; and (c) said Electric Bond and Share Company is a holding company with respect to certain subsidiary companies which themselves have subsidiary companies which are holding companies.

Said order further provides that the purpose of such hearing is to determine (1) whether the allegations of Parts I to IX, inclusive, of said order are true and accurate; (2) whether it is necessary to discontinue the existence of, or modify

¹ 3 F.R. 2518.

No. 93—2

¹ 5 F.R. 1374.

the corporate structure of, or redistribute the voting power among security holders of, said Electric Bond and Share Company, or any of the other respondents in said proceedings; (3) what further action, if any, is necessary and shall be required to be taken by the said respondents, or any of them, in order that each of the said respondents which is a registered holding company shall cease to be a holding company with respect to each of its subsidiary companies which itself has a subsidiary company which is a holding company; and (4) what further action, if any, is necessary and shall be required to be taken by the said respondents, or any of them, to ensure that the corporate structure or continued existence of any of the said respondents does not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute voting power among security holders, of the holding company system of Electric Bond and Share Company.

Reference is made to said notice and order for hearing for a more complete statement of the various matters to be determined at said hearing, and a copy of said notice and order for hearing is on file and open to public inspection at the offices of said Securities and Exchange Commission in Washington, D. C., and in each of the Regional Offices of said Securities and Exchange Commission, and a copy of said notice and order for hearing may be had upon written request to the Secretary of said Commission, and said notice and order for hearing is hereby made a part of this notice as if more fully herein set forth at length.¹

Notice of the aforesaid hearing is particularly given to each of the aforesaid respondents, Electric Bond and Share Company, American Power & Light Company, Pacific Power & Light Company, Electric Power & Light Corporation, Utah Power & Light Company, National Power & Light Company, American & Foreign Power Company Inc., and Ebasco Services Incorporated, and to all other persons, including the security holders and consumers of the said respondents, the subsidiary companies of the said respondents, all States, municipalities, and political subdivisions of States within which are located any of the utility assets owned or operated by the Electric Bond and Share Company holding company system or under the laws of which any of the respondents or their subsidiary companies are incorporated, all State Commissions, State securities commissions and all agencies, authorities or instrumentalities of one or more States, municipalities or other political subdivisions having jurisdiction over any of the respondents or their subsidiary companies or over any of the businesses, affairs or operations of any of them.

¹ Filed as a part of the original document.

Said order further provides that any person proposing to intervene in said proceedings shall file with the Secretary of the Securities and Exchange Commission on or before the third day of June, 1940, his request or application therefor as provided by Rule XVII of the Rules of Practice of the said Securities and Exchange Commission.

By order of the Securities and Exchange Commission this 9th day of May, 1940.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1887; Filed, May 10, 1940;
11:33 a. m.]

[File No. 1-2655]

IN THE MATTER OF SAN GABRIEL RIVER
IMPROVEMENT COMPANY \$10 PAR VALUE
COMMON STOCK

ORDER SETTING HEARING ON APPLICATION TO
WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 9th day of May, A. D. 1940.

The San Gabriel River Improvement Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its \$10 Par Value Common Stock from listing and registration on the Los Angeles Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Monday, June 3, 1940, at the office of the Securities & Exchange Commission, 650 South Spring Street, Los Angeles, California, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That John G. Clarkson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1886; Filed, May 10, 1940;
11:33 a. m.]

[File No. 70-30]

IN THE MATTER OF ALABAMA WATER SERVICE
COMPANY AND FEDERAL WATER SERVICE
CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of May, A. D. 1940.

A declaration and applications pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on May 28, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Robert P. Reeder, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before May 23, 1940.

The matter concerned herewith is in regard to the following:

Federal Water Service Corporation, a registered holding company, proposes to surrender to its subsidiary, Alabama Water Service Company, certain securities of the latter, viz., \$500,000 aggregate principal amount of non-interest bearing debentures, dated June 16, 1927, without fixed maturity, and a 5% debenture in the principal amount of \$364,352.94, dated December 31, 1931, without fixed maturity. The debentures so to be surrendered are to be retired. The non-interest bearing debentures and \$52.94 principal amount of the 5% debenture are to be surrendered as a donation by Federal Water Service Corporation to its said subsidiary. In consideration of the surrender of \$364,300 principal amount of the said 5% debenture, it is proposed that Alabama Water Service Company shall issue to Federal

Water Service Corporation 3,643 shares of Alabama Water Service Company's 6% Cumulative Preferred Stock without par value and having a stated value of \$100 per share.

Upon consummation of the foregoing transactions Alabama Water Service Company proposes to make certain accounting adjustments which are intended to eliminate qualifications of the balance sheet by auditors of the company.

Alabama Water Service Company designates section 12 (c) of the Act and Rule U-12C-1 promulgated thereunder to be applicable to the acquisition and retirement of aforesaid debentures, and section 7 to be applicable to the issue of the 6% Cumulative Preferred Stock without par value.

Federal Water Service Corporation designates section 12 (d) of the Act and Rule U-12D-1 promulgated thereunder to be applicable to the surrender,

donation and/or exchange of the aforesaid debentures, and section 10 of the Act to be applicable to the acquisition of the 6% Cumulative Preferred Stock of Alabama Water Service Company without par value.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1885; Filed, May 10, 1940;
11:33 a. m.]

